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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

In re application of :
KOENCK, STEVEN E., et al. :
Application Serial No. 10/787,443 :
Filed: February 26, 2004 :
For: **MODULAR, PORTABLE DATA** :
PROCESSING TERMINAL FOR USE IN A :
COMMUNICATION NETWORK

**DECISION
ON PETITION**

This is a response to the petition under 37 CFR 1.59(b), filed November 7, 2007, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided.

Petitioner requests that the information in six references, listed as Cite No. C27, C28, C29, C119, C120, and C431, submitted in an Information Disclosure Statement, filed June 5, 2006, be expunged from the record. Petitioner states that failure to obtain its return would cause irreparable harm to Applicant, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material", with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified documents are considered to be "material". If the information is not considered by the examiner to be material, the information will be removed from the original file.

The documents in question will not be available to the public during prosecution.

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